

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**CHARLES CARSON  
BREWINGTON,**

**Plaintiff,**

**v.**

**SANDY MAY, et al.,**

**Defendants.**

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**Case No. CIV-08-1031-R**

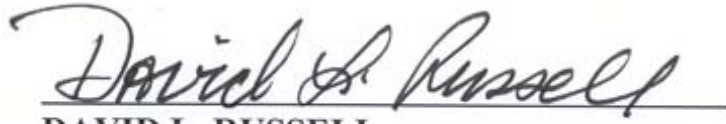
**ORDER**

Before the Court are the Report and Recommendation of United States Magistrate Judge Doyle W. Argo entered May 4, 2009 [Doc. No. 27], Plaintiff's Objection to the Report and Recommendation [Doc. No. 28] and Defendant's response to Plaintiff's Objection [Doc. No. 29]. The Court reviews the Report and Recommendation *de novo* in light of Plaintiff's Objection, pursuant to 28 U.S.C. § 636(b)(1)(B).

Plaintiff, in his Objection to the Report and Recommendation, makes the same arguments and same conclusory statements that he made before the Magistrate Judge. Having reviewed the entire record herein, the Court concurs in the findings and conclusions of the Magistrate Judge. Therefore, the Report and Recommendation of the Magistrate Judge [Doc. No. 27] is ADOPTED in its entirety; Plaintiff's claims, if any, against the State of Oklahoma or ODOC are DISMISSED as barred by Eleventh Amendment immunity; and the motion of Defendants May, Redpath, Johnson, Powell, Cotner and Lee for summary judgment on Plaintiff's Complaint [Doc. No. 19] is GRANTED. In light of the foregoing,

Plaintiff's motions for appointment of counsel [Doc. No. 21 & 22] and for discovery [Doc. No. 22] are DENIED. Plaintiff's motion seeking the Court's assistance in serving Defendants Powell and Cotner [Doc. No. 17] is DENIED as moot.

IT IS SO ORDERED this 10th day of June, 2009.

  
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DAVID L. RUSSELL  
UNITED STATES DISTRICT JUDGE